

REMARKS

The Examiner has rejected claims 4–37. Claims 1–3 were previously canceled. No amendments have been made. As a result, claims 4–37 are pending for examination with claims 4, 14, 16, 29, and 35 being independent claims.

Rejections Under 35 U.S.C. § 103(a):

The Examiner has rejected claims 4–6 and 8–37 under 35 U.S.C. § 103(a) as being unpatentable over Chaganti et al (Pub. No. US 2005/65950) (“Chaganti”) in view of Schultz et al (Pub. No. US 2001/0029470) (“Schultz”). With respect to independent claims 4, 14, 16, 29, and 35, the Examiner states that “Chaganti discloses the elements of the claimed invention as noted but does not disclose a SOAP protocol. Schultz discloses a SOAP protocol. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chaganti to include a SOAP protocol as taught by Schultz for the purpose of adding an XML envelope to an XML documents [*sic*] so that the recipients can know what the contents of the XML documents are supposed to contain and what if any, [*sic*] processing is expected or required to be performed.” (OA, pg. 3) Applicants respectfully traverse the Examiner’s rejection and point out that features of independent claims 4, 14, 16, 29, and 35 are not disclosed in Chaganti even in view of Schultz, nor is Schultz is available as a prior-art reference.

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Independent claims 4 and 14 call for:

"...receiving a request from a device having a service running thereon using a SOAP protocol to retrieve contacts data from a data store, the request including associated identity information; reading from the data store to obtain contacts data in response to the request, wherein access to the data store is based on the associated identity information; constructing a contacts document including at least part of the requested contacts data and including a defined identity-based schema for contacts data, the defined schema operable to be interpreted by the service running on the device; and returning the contacts document to the device in response to the request." (underlining added for emphasis)

Independent claims 16 and 29 call for:

"...accessing a network using a device, the accessing including providing associated identity information corresponding to the device; requesting contacts data stored in a data store from a service accessible via the network using a SOAP protocol, the request including the associated identity information; determining if the request is an allowable request based on the associated identity information; and if the request is allowable, returning a contacts document to the device, the contacts document including at least part of the requested contacts data and including an identity-based schema associated with the service." (underlining added for emphasis)

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Independent claim 35 calls for:

"receiving a request using a SOAP protocol from a device having a service running thereon to manipulate contacts data in a logical contacts document that is stored in a data store, the request including associated identity information and in the form of a first content document having a defined identity-based schema for contacts data; determining a scope of access rights based on the identity information, the scope determined according to the contacts schema having contacts-related fields arranged into a second access-control content document with defined structures for the fields; determining if the request is within the scope; and if the request is within the scope, manipulating at least one set of data in the logical contacts document, each set of data in the logical contacts document structured to correspond to a field in the first content document." (underlining added for emphasis)

Applicants respectfully submit that the invention as claimed in claims 4, 14, 16, 29, and 35 are neither taught, disclosed, nor suggested by Chaganti, even in view of Schultz.

As cited by the Examiner, Chaganti provides:

"The user computer 104 is equipped with suitable devices and programs to connect to the network 102. In alternative embodiments, the user computer 104 is other device [s/c] capable of establishing a communication in conjunction with other similar or dissimilar devices over a communication network such as the network 102. Examples of

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other commercially available digital interactive devices that are contemplated to function in place of the user computer 104 include a telephone, a WebTV® device marketed by Microsoft Corporation of Redmond, Wash., a Palm Pilot® device marketed by 3-COM Corporation of Santa Clara, Calif., or other similar device; the device used in conjunction with the Wireless Web® service from the Sprint Corporation of Westwood, Kans.; or a Wireless Access Protocol (WAP)-enabled device such as the device marketed by @Motion.com used in conjunction with Wireless Internet service provided by companies such as Phone.com and supported by protocols such as Wireless Markup Language, Mobile Phone Markup Language. Such compatible wireless handset devices are [s/c] manufactured by Nokia, Motorola, Ericsson, and other companies.” (Chaganti, para 23; underlining added for emphasis)

Applicants respectfully submit that the Examiner's citation of Chaganti, para 23 neither teaches, discloses, suggests, nor makes any mention whatsoever of the claimed features, "...a request... to retrieve contacts data from a data store, the request including associated identity information...", as asserted by the Examiner. (OA, pg. 3, lines 2-5) As such, Applicants respectfully request that the Examiner withdraw the rejection.

as further cited by the Examiner, Chaganti provides:

"In a preferred embodiment, the server computer 100 is configured--in addition to being configured as a web server--to include a number of modules: a user account establishment module 110; a user

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account management module 112; a personal information collection module 114; a request reception module 116; an authorization verification module 118; a security module 120; a database interface module 130; a statistics module 140; and a report generation module 150. The server computer 100 preferably includes a trusted computer base (TCB) comprising a secure kernel, which includes the security module 120. Most of the security relevant code is stored in the secure kernel. All security relevant events are audited, recorded. Further, events that signal any breach of security are defined and programmed. Upon the occurrence of such an event, an action, including sending an alarm to a predefined entity or person, is performed. Preferably, the modules are implemented as independent memory-resident processes--such as UNIX® processes--capable of communicating with each other using inter-process communication facilities such as queues, semaphores, sockets, pipes, shared memory and the like. These modules can be programmed by persons skilled in the art using programming languages and techniques such as C, C++, Java or Enterprise Java Beans. It should be noted that the number, nature and functionality of the modules described herein could be differently designed by other designers, and therefore should not be a limiting factor in construing the invention." (Chaganti, para 38; underlining added for emphasis)

Applicants respectfully submit that the Examiner's citation of Chaganti, para 38 neither teaches, discloses, suggests, nor makes any mention whatsoever of the claimed features, "...reading from the data store to obtain contacts data in response to the request, wherein access to the data store is based on the associated identity

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information...”, as asserted by the Examiner. (OA, pg. 3, lines 6–8) As such, Applicants respectfully request that the Examiner withdraw the rejection.

and as further cited by the Examiner, Chaganti provides:

“The server computer 100 is configured to receive request messages from the user computer 104 over the internet in the Hyper Text Transfer Protocol (HTTP), File Transfer Protocol (FTP) or any similar protocol used to transfer data, video, voice or a combination of these media. After analyzing the request messages, the server computer 100 is configured to transmit in response messages that include “web pages” that are programmed in Hyper Text Markup Language (HTML) or a similar language. Embedded in these web pages are components such as documents, scripts, objects, and flames that are configured to display colorful graphical images on a display device coupled to the user computer 104. Persons skilled in the art know how to make web pages using programming languages or tools such as HTML, Cold Fusion®, Java®, Java Script®, Active Server Pages®, Dynamic HTML, the various markup languages such as Extensible Markup Language (XML), and similar others.” (Chaganti, paras 21 and 22; underlining added for emphasis)

Applicants respectfully submit that the Examiner’s citation of Chaganti, paras 21 and 22 neither teaches, discloses, suggests, nor makes any mention whatsoever of the claimed features, “...constructing a contacts document including at least a part of the contacts data and including a defined identity-based schema for contacts data, the

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defined schema operable to be interpreted by the service running on the device...”, as asserted by the Examiner. (OA, pg. 3, lines 9–12) As such, Applicants respectfully request that the Examiner withdraw the rejection.

and as further cited by the Examiner, Schultz provides:

“As further described below, receipt 26 is an electronically created document instantiated by encoding the information included therein into a standardized format such as that known as Extensible Markup Language (XML). Tools for performing such coding are well-known in the art to which the invention relates and include commercially available software such as JDOM and XERCES, which are publicly distributed on the Internet in both binary and source form. As well-understood by persons skilled in the art to which the invention relates, such tools encode the information from a JAVA class, application, servlet or applet. Receipt 26 can be encrypted to provide security using any suitable means, such as the RSA toolkit produced by RSA Security of Bedford, Massachusetts and the VERISIGN toolkit produced by Verisign In. of Mountain View, Calif. Once created, receipt 26 can be wrapped in a SOAP envelope. As well-known in the art, SOAP, which refers to the Simple Object Access Protocol, is a standards-based way of adding an XML envelope to an XML documents so that the recipient(s) can know what the contents of the XML document are supposed to contain and what, if any, processing is expected or required to be performed. The encrypted, wrapped receipt 26 can then be transmitted by any suitable delivery mechanism. Examples of well-known mechanisms that persons of skill in the art will

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recognize as suitable for this purpose include electronic mail (e-mail), file transfer protocol (FTP), a messaging middleware such as JAVA Messaging Service (JMS), or a proprietary commercially available product such as MQSERIES from IBM Corporation.” (Schultz, para 34; underlining added for emphasis)

Applicants respectfully submit that the examiner failed to make out a *prima facie* case of obviousness with respect to combining Schultz with Chaganti at least because 1) Schultz is nonanalogous art, and 2) the three basic requirements for establishing a *prima facie* case of obviousness have not been established. As such, Applicants respectfully request that the Examiner withdraw the rejection.

1. Schultz is nonanalogous art.

Applicants respectfully submit that Schultz is nonanalogous art. A *prima facie* case of obviousness cannot be maintained when the references are nonanalogous art. MPEP § 2141.01(a). To rely on a reference as a basis for a 103 rejection, the reference must either be 1.1. in the field of applicant’s endeavor or, if not, be 1.2. reasonably pertinent to the particular problem with which the inventor was concerned. MPEP § 2141.01(a), ¶1.

1.1. Schultz is not in the field of Applicants’ endeavor.

Schultz teaches issuing an electronic receipt in connection with a sales transaction. Specifically, Schultz discloses, “In connection with a sales transaction, an electronic receipt is issued to the buyer” that includes hyperlinks. A hyperlink can be associated with an inducement to make a secondary purchase of an item commercially related to the primary purchase, such as accessories, items used in the same field,

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manuals and other items.", and "...issuing an electronic receipt for a sales transaction..." (Schultz, Abstract, Summary para 10; underlining added for emphasis)

In contrast, Applicants' claimed invention relates to, "...a contacts service for central... access to per-user contact data, based on each user's identity, wherein the contacts service includes a schema that defines rules and a structure for the data, and also includes methods that provide access to the data in a defined way." (Summary of the Invention, lines 1-4), which is significantly different than Schultz's "...issuing an electronic receipt for a sales transaction...". (Schultz, Summary para 10)

Accordingly, Applicants respectfully submit that Schultz is not in the field of the Applicants' endeavor. For at least this reason, Applicants submit that Schultz is unavailable as a prior-art reference. Because Schultz is erroneously relied upon by the Examiner for the rejection, Applicants submit that the rejection is improper. As such, Applicants respectfully request that the Examiner withdraw the rejection.

1.2. Schultz is not reasonably pertinent to the particular problem with which the inventor is concerned.

Applicants are concerned with a **contacts service for central access to per-user contact data**. But Schultz is concerned with **issuing an electronic receipt for a sales transaction**. Even Schultz's title suggests lack of pertinence: "Electronic Transaction Receipt System and Method". No one of ordinary skill in the art at the time of Applicants' invention would "logically have commended*" his attention to Schultz's disclosure to learn how to develop and improve Applicants' contacts service for central access to per-user contact data. *See MPEP § 2141.01(a), ¶1.

Applicants further note that Schultz and Chaganti references are in different U.S. classifications: Schultz 705/26, **"Electronic shopping (e.g., remote ordering)"** and

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Chaganti 707/100, "DATABASE SCHEMA OR DATA STRUCTURE". Applicants note that such is evidence of nonanalogy. MPEP § 2141 .01(a), 2nd bold heading.

For at least these reasons, Applicants submit that Schultz is unavailable as a prior-art reference. Because Schultz is erroneously relied upon by the Examiner for the rejection, Applicants submit that the rejection is improper. As such, Applicants respectfully request that the Examiner withdraw the rejection.

2. The requirements for establishing a *prima facie* case of obviousness have not been established.

The basic requirements of a *prima facie* case of obviousness are set forth in MPEP § 2143. In order to "establish a *prima facie* case of obviousness, three basic criteria must be met. [2.1.] First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. [2.2.] Second, there must be a reasonable expectation of success [when combining the references]. [2.3.] Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based in applicants' disclosure." MPEP § 2143, ¶1. Further, in establishing a *prima facie* case of obviousness, the initial burden is placed on the Examiner. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." MPEP § 2142, ¶4.

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2.1. Lack of suggestion or motivation to modify the reference or to combine reference teachings.

Applicants submit that the first requirement of a *prima facie* case of obviousness as set forth in MPEP § 2143 has not been met by the Examiner. There must be some suggestion or motivation to modify the reference or to combine reference teachings. Applicants submit that in this matter there is neither. The Examiner states, "Chaganti discloses the elements of the claimed invention as noted but does not disclose a SOAP protocol. Schultz discloses a SOAP protocol. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chaganti to include a SOAP protocol as taught by Schultz for the purpose of adding an XML envelope to an XML documents [s/d] so that the recipients can know what the contents of the XML documents are supposed to contain and what if any, [s/d] processing is expected or required to be performed." (OA, pg. 3). Applicants respectfully traverse. Per the MPEP, there "are three possible sources for a motivation to combining references: [2.1.1.] the nature of the problem to be solved, [2.1.2.] the teachings of the prior art, and [2.1.3.] the knowledge of persons of ordinary skill in art." MPEP § 2143.01, ¶1.

2.1.1. Nature of the problem to be solved. As detailed herein above, Schultz discloses a problem that is significantly different from that addressed by Applicants.

2.1.2. Teachings of the prior art. Chaganti is concerned with, "a method and system for securely storing and disbursing a first party's personal information...". (Chaganti, Abstract) Applicants submit that there is no teaching in Schultz concerned with storing or distributing personal information. Nor is Schultz in any way concerned with a contacts service such as that of Applicants' invention. Schultz doesn't even mention the word "contact" or "contacts". Accordingly, how can there be any teaching in

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Schultz to, in any way, modify Chaganti to achieve a result that is the subject of Applicants' invention? And how would it be so modified? The Examiner states "...a SOAP protocol as taught by Schultz for the purpose of adding an XML envelope to an XML documents [*sic*] so that the recipients can know what the contents of the XML documents are supposed to contain and what if any, [*sic*] processing is expected or required to be performed" (OA, pg. 3) as a potential factor that would motivate somehow combining Shultz with Chaganti. But again, Schultz is not concerned at all with storing and disbursing personal information. Nor is Chaganti in any way concerned with adding an XML envelope to documents so a receipt can know about the content of the XML documents. There are no teachings or suggestions in Schultz or Chaganti to modify Chaganti accordingly.

2.1.3. The knowledge of persons of ordinary skill in the art. As summarized herein above, Applicants are concerned with a **contacts service for central access to per-user contact data**. A person of ordinary skill in such art would not look to Schultz's area of **issuing an electronic receipt for a sales transaction**. And a person who is concerned with a contacts service for central access to personal contact data would not be motivated to look to a reference such as Schultz, which is specifically concerned with issuing an electronic receipt for a sales transaction. See Schultz's Title and Summary.

Accordingly, in consideration of three possible sources for a motivation to combining references, there is no suggestion or motivation to modify Chaganti or to combine Chaganti's teachings with that of Schultz. With no such suggestion or motivation to either modify the reference or to combine the teachings, a *prima facie* case cannot be made. As such, Applicants respectfully request that the Examiner withdraw the rejection.

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2.2. Lack of a reasonable expectation of success.

Applicants submit that the second requirement of a *prima facie* case of obviousness as set forth in MPEP § 2143.02 has not been met by the Examiner. There is no way any teaching of Schultz or Chaganti contemplates a successful combination of the two because the two are in sufficiently disparate fields that there is no reasonable way that they could be combined. Schultz's electronic receipts for sales transactions completely unrelated to Chaganti's storing and disbursing personal information.

2.3 Prior-art references do not teach or suggest all the claim limitations.

Applicants submit that the third requirement of a *prima facie* case of obviousness as set forth in MPEP § 2143.03 has not been met by the Examiner. Not only is there no suggestion or motivation to modify Chaganti in view of Schultz, even if they were combined, all of Applicants' features would not be taught by the combination, as detailed herein above.

Accordingly, all of the features of independent claims 4, 14, 16, 29, and 35 are not taught either alone or in combination. For at least this reason, Applicants submit that the independent claims, as well as their respective dependent claims, are allowable and respectfully request that the Examiner withdraw the rejection.

Accordingly, the Applicants submit that independent claims 4, 14, 16, 29, and 35 are not unpatentable over Chaganti, even in view of Schultz. As such, Applicant respectfully requests that the Examiner withdraw the rejection.

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Claims 5-13, 15, 17-28, 30-34, and 36-37 are each dependent on one of independent claims 4, 14, 16, 29, and 35. As such, claims 5-13, 15, 17-28, 30-34, and 36-37 are believed allowable, at least in part, based upon one of claims 4, 14, 16, 29, and 35.

CONCLUSION

Accordingly, in view of the above amendment and remarks it is submitted that the claims are patentably distinct over the prior art and that all the rejections to the claims have been overcome. Reconsideration and reexamination of the above application is requested. Based on the foregoing, Applicants respectfully request that the pending claims be allowed, and that a timely Notice of Allowance be issued in this case. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicants' representative at the telephone number listed below.

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If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check please charge any deficiency to Deposit Account No. 50-0463.

Respectfully submitted,

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Date: November 6, 2006

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